



Paper No. 18

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JUL 2 3 2003

OFFICE OF PETITIONS

In re Application of :
J. Aaron Bly, David T. Spieldenner, :
Aaron Roth, Patrick O'Brien, :
Andrew F. Suhy, Jr., and :
Brent Parent :
Application No. 09/990,911 :
Filed: November 14, 2001 :
Title: System and Method for :
Disposing of Assets :

DECISION REFUSING STATUS
UNDER 37 C.F.R. § 1.47(a)

This is in response to the "Response to Decision Refusing Status under 37 CFR 1.47(a)," filed by facsimile transmission on January 14, 2003. The application file with the renewed petition was recently forwarded to the undersigned for consideration of this petition.

The petition is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiency. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a)," and should only address the deficiency noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

The above-identified application was filed on November 14, 2001, without an executed oath or declaration. J. Aaron Bly, David Spieldenner, Aaron Roth, Patrick O'Brien, Andrew Suhy, Jr., and Brent Parent were named as joint inventors. In reply to the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," mailed December 6, 2001, applicants timely filed the initial petition under § 1.47. The petition was dismissed for failure to provide proof that non-signing inventors Suhy and Parent refused to sign the Declaration after having been presented with the application papers and because the declaration was not in compliance with 35 U.S.C. § 115 and 37 CFR § 1.63 (Decision mailed May 31, 2002).

A request for reconsideration was filed on September 3, 2002. However, this renewed petition was dismissed for failure to submit an acceptable declaration. The declaration submitted contained non-dated/non-initialed alterations as to the information for inventor Suhy (Decision mailed September 30,

information for inventor Suhy (Decision mailed September 30, 2002). A second request for reconsideration filed October 11, 2002, was dismissed because petitioner on revised declarations omitted the citizenship information for both inventors Suhy and Parent (Decision mailed October 21, 2002). A third request for reconsideration filed November 11, 2002, was dismissed because the declaration was amended to include the citizenship information for inventors Suhy and Parent, and these alterations were not initialed (Decision mailed November 19, 2002).

It was highly recommended in the dismissal mailed November 19, 2002, that applicants submit a clean declaration encompassing all alterations and then, executed by the available joint inventors on behalf of themselves and on behalf of the non-signing inventors. However, on instant renewed petition, applicants submitted the signature page for the declaration with alterations to the citizenship information for inventors Suhy and Parent now initialed. This is not acceptable.

The paper submitted is not acceptable because it is merely a signature page and not a declaration in compliance with § 1.63; and it clearly violates the rule that a declaration may not be amended after execution. See 37 CFR 1.52(c). This paper appears to be the same signature page previously submitted, but with additional initialed alterations. Petitioner has now submitted a signature page signed by two inventors on October 31, 2001; amended by one inventor on July 29, 2002; amended on August 2, 2002, as to address information by an inventor who originally signed on October 31, 2001; and amended as to citizenship information for the non-signing inventors on December 13, 2002. These alterations do not reflect the situation where an inventor corrects his information, initials and dates the change and then executes the declaration (i.e., See signature block of inventor Roth originally signed October 31, 2001 with alterations to his address made and initialed on August 2, 2002). The execution and amendment of this declaration is clearly in violation of the rule that a declaration may not be amended after execution. See 37 CFR 1.52(c). The undersigned apologizes if this rule was not made abundantly clear in the previous dismissals.

A new declaration is required.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (703) 308-6916
 Attn: Office of Petitions

By hand: Office of Petitions
 2201 South Clark Place
 Crystal Plaza 4, Suite 3C23
 Arlington, VA

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-0309.


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